

**REMARKS**

Favorable reconsideration and allowance of this application are requested.

By way of the amendment instructions above, the Abstract has been revised so as to address the criticisms noted in the Official Action of October 3, 2006. In addition, suitable headings have been inserted in the specification at appropriate locations.

The claims have been revised so as to clarify the claimed subject matter and to address the Examiner's rejections advanced under 35 USC §112, second paragraph. Accordingly, applicants suggest that all claims now comply fully with the statutory requirements of 35 USC §112, second paragraph. Withdrawal of the rejection advanced under such statutory provision is therefore in order.

The only issue remaining to be resolved in this application is the rejection under 35 USC §102(b) advanced against all prior pending claims based on Lin (USP 5,376,126). Applicants suggest, however, that the presently pending claims are fully patentable over the applied Lin reference.

In this regard, applicant notes that Lin is directed to an acetabular replacement joint and not to a device for fixating bone parts. Indeed, applicants note that no fixation takes place by means of a surgical cable at all. The securing of the joint in Lin is accomplished mainly due to the design of the whole apparatus. Specifically, it is secured to the bone part by its shape, by screws and only partly or additionally by a cable. The cables of Lin are not used to fixate bone parts but instead to attach the replacement joint.

Note in this regard, that the cables 61, 62 of Lin are secured by retaining members 63, 64 (Fig. 2d). At column 3, lines 8-21, Lin explains that the cable is guided through holes in the retaining member and that thereafter the retaining member is caused to deform to secure the cable. This is a standard way of securing the cable

according to the current state of the art. (See also in this regard, page 1, lines 15-23 of the present application.) This is not, however, even remotely suggestive of the present invention which secures cables by means of at least first and second fixing plates.

One other significant difference between Lin and the present invention as defined in the pending claims herein is the special trajectory of the cable in the latter. See for example the trajectory in the embodiment of the present invention depicted in Figs. 1 and 2. Because of this trajectory, the cable is clamped physically between two fixing plates in response to cable tensioning. This aspect of the present invention is simply not possible with the structural arrangement disclosed in Lin.

Specifically, applicants note that cable clamping between two fixing plates in response to cable tensioning cannot possibly be achieved in Lin for at least the following reasons:

- The cable of Lin is not following a trajectory as defined in the presently pending claims; and
- The cable of Lin cannot possibly follow the trajectory as defined in the presently pending claims because (1) the Lin cables do not run through a central hole since no central hole exists in the Lin structures, and (2) the cable does not run through a gap between fixing plates since there is no gap in the Lin structures.

Moreover, applicants note that the Lin cable does not function so as to be physically clamped between a pair of fixing plates in response to cable tensioning.

Therefore, as should now be evident from the discussion above, Lin cannot possibly anticipate or render obvious the present invention. Withdrawal of the rejection advanced under 35 USC §102(b) based on Lin and early passage of this application to allowance are therefore in order.

**WETZELS et al**  
**Serial No. 10/544,102**  
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Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant suggests that all claims are in condition for allowance and Official Notice of the same is solicited.

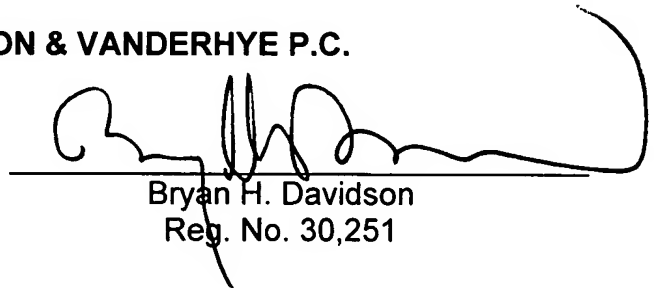
Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

An early and favorable reply on the merits is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Bryan H. Davidson', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke at the end.

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